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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,746	07/22/2005	Raphael Bachmann	009765-054	7343
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EXAMINER				
CHOW, YUK				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
03/05/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com

### Office Action Summary

**Application No.**

10/530,746

**Applicant(s)**

BACHMANN, RAPHAEL

**Examiner**

YUK CHOW

**Art Unit**

2629

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 25, 30 - 49 and 51-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26-29 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date 04/08/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 25, 30 - 49 and 51-52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.
2. Applicant's election with traverse of Species 3 in the reply filed on 12/07/2009 is acknowledged. The traversal is on the ground(s) that claims 1-24, 26-30, 41 and 44-51 read on the elected Species. This is not found persuasive because claim 30 read on Species 2, claim 41 is depend on claim 25 which is non-elected Species, claims 44-49 and 51 are not related to elected Species. Therefore, examinations only on claims 1-24, 26-29 and 50 at this time.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, since the claimed invention is not supported by either a *specific and substantial* asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention “an unlimited combination of input elements are provided in eight directions for rapid input”.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 10, 12, 23-24, 26-29 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Bachmann (CA 2416835).

As to **claim 1**, Bachmann discloses a rapid input device, comprising  
at least one input means at least one input acquisition unit (Fig. 1(10)) and  
a computer (Fig. 1(12)) wherein at least one input means by virtue of its position  
in terms of space defines at least one point whose coordinates are converted into  
electrical signals in at least one input acquisition unit ([0063], x/y coordinates of the  
contact point of pen and touch screen are forwarded to processor unit) and,  
over the passage of time, form at least one data quantity from the points and thus  
the input, and wherein at least one input acquisition unit is connected with the computer  
and means are provided in the computer for data processing of at least one data  
quantity (see [0064]-[0066]).

As to **claim 2**, Bachmann discloses the rapid input device according to claim 1, wherein the connection of the input acquisition unit to the computer is accomplished via a cable (fig. 1(14)).

As to **claim 3**, Bachmann discloses the rapid input device according to claim 1, wherein input elements are provided for input in eight directions, whereby the input elements are located in one stroke level (see Fig. 4, eight directions provided for input).

As to **claim 4**, Bachmann discloses the rapid input device according to claim 3, wherein gradual input elements are provided perpendicularly to the stroke level (Fig. 5A, left down are perpendicular to left up).

As to **claim 5**, Bachmann discloses the rapid input device according to claim 1, wherein the input is provided in a gradual manner as a function of a stroke length (Fig. 5a-5n) .

As to **claim 6**, Bachmann discloses the rapid input device according to claim 3, wherein input elements are provided in eight directions, whereby one of the eight directions is associated with each vowel (see Fig. 4, total five directions associated with five vowels).

As to **claim 7**, Bachmann discloses the rapid input device according to claim 3, wherein input elements are provided in eight directions, whereby one of the eight directions is associated with up to eight selected consonants (see [0069]).

As to **claim 8**, Bachmann discloses the rapid input device according to claim 3, wherein input elements are provided in eight directions, whereby one of the eight directions is associated with a blank tap (Fig. 4(space)).

As to **claim 10**, Bachmann discloses the rapid input device according to claim 3, wherein input elements are provided in eight directions and their combinations, whereby functions of a computer are associated with each of these eight directions or their combinations (see [0088]).

As to **claim 12**, Bachmann discloses the rapid input device according to claim 1, wherein input elements are provided in an X/Y field of the input surface of the input acquisition unit for execution, whereby X/Y coordinates--to each of which a function is associated--correspond to the execution position (see [0070]).

As to **claim 23**, Bachmann discloses the rapid input device according to claim 1, wherein the input can be influenced by muscular movements (see [0234]).

As to **claim 24**, Bachmann discloses the rapid input device according to claim 1, wherein at least one point has coordinates (see [0070]).

As to **claim 26**, Bachmann discloses the rapid input device according to claim 1, wherein the input means is at least a finger that defines at least one point (see [0004]).

As to **claim 27**, Bachmann discloses the rapid input device according to claim 1, wherein the input means is at least a finger or a set of fingers and an object, preferably a stylus, whose tip defines the point (See [0231]).

As to **claim 28**, Bachmann discloses the rapid input device according to claim 1, wherein the input means are the fingers of a hand, a nose or a toe, which define at least one point (See [0231]-[0234]).

As to **claim 29**, Bachmann disclose the rapid input device according to claim 1, wherein the input means is a finger provided with a thimble, whereby the tip of the

thimble defines the point (It's inherent the tip of the thimble defines the point since it's usually worn by finger and has pointy tip).

As to **claim 50**, Bachmann discloses the process for the operation of a rapid input device according to claim 1,

wherein coordinates of at least one point are generated with at least one input means in at least one input acquisition unit wherein the coordinates are converted into electrical signals in the input acquisition unit ([0063], x/y coordinates of the contact point of pen and touch screen are forwarded to processor unit).

wherein at least one data quantity is formed by the electrical signals over the passage of time, which is transmitted to the computer via a cable connection (fig. 1(14)), and

wherein the data quantity is processed in computer with the data processing means and is kept available for the output means (see [0064]-[0066]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (CA 2416835).

As to **claim 11**, Bachmann discloses the rapid input device according to claim 1

However, Bachmann does not specifically teach wherein input elements are provided in at least nine directions and their combinations, whereby functions of a computer are associated with each of these nine directions or their combinations.

It would have been obvious to one ordinary skill in the art at the time of invention was made to use nine directions in stead of eight direction as in Bachmann, because more directions and their combination result in more function in an excepted manner.

As to claim **13-22**, Bachmann discloses the rapid input device according to claim 10.

However, Bachmann does not teach all of functions list below: dimensioning and shifting of menu windows and the zooming and scrolling in menu windows; functions involve the canceling and restoration of inputs. functions for screen adjustments are as follows: BRIGHTER, DARKER, REDDER, GREENER, BLUER; COPY, PASTE, CUT, CLEAR, CURSOR UP, CURSOR DOWN, CURSOR LEFT, CURSOR RIGHT, CONTROL, ALT, ALT GR, FUNCTION, OPTION, ESCAPE, OPEN, CLOSE, SHIFT, RETURN, DELETE, F1 to F12; for windows: MINIMIZING, MAXIMIZING, RESTORING, CLOSING and for dialog windows: YES, NO, ABORT, CHANGE; functions are first executed ready when they are closed with a blank tap; functions in a player and recorder unit involve: PLAY, PAUSE, STOP, RECORD, FORWARD, BACKWARD, NEXT TRACK, PREVIOUS TRACK, FIRST TRACK, LAST TRACK and VOLUME; functions involve PAGE UP, PAGE DOWN, HOME, END, INSERT, SHIFT, BACKSPACE, RETURN, DELETE; flush left, flush right, centered, grouped style, tabulator; the functions for color parts are as follows: black, white, transparent,



red/magenta, blue/cyano, yellow/yellow; for object: line, solidity, text; rotating around each axis, nearer, farther; and for lines: type, thick, thin, normal, thicker, thinner; functions are the attributes of a sound data file and that the functions are provided for their processing; functions are provided for the match-up of data files for the purpose of processing attributes.

It would have been obvious to one ordinary skill in the art at the time of invention was made to implement these functions list above into the execution of stroke directions as in Bachmann, because these functions are well known in the basic computing environments such as Windows or Mac. It would be obvious for one ordinary skill in the art to change or substitute any functions, and yet having predictable outcomes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUK CHOW whose telephone number is (571)270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. C./  
Examiner, Art Unit 2629

/Amare Mengistu/  
Supervisory Patent Examiner, Art Unit 2629